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Attorneys for Court-Appointed Receiver,  
Diane A. Thompson

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**PLAINTIFF,**

**v.**

**AMERICAN PENSION SERVICES, INC.,  
a Utah Corporation and CURTIS L.  
DeYOUNG, an individual,**

**DEFENDANTS.**

**EX PARTE MOTION FOR  
EXPEDITED CONSIDERATION OF  
MOTION FOR CLARIFICATION  
REGARDING ORDER APPOINTING  
RECEIVER, FREEZING ASSETS,  
AND OTHER RELIEF**

**Case No.: 2:14-CV-00309-RJS-DBP**

**Judge Robert J. Shelby  
Magistrate Judge Dustin B. Pead**

Diane Thompson, court-appointed Receiver for American Pension Services, Inc., Curtis DeYoung and related entities (the "Receiver"), by and through her undersigned counsel, hereby moves ex parte for an order granting expedited consideration of the Receiver's Motion for

Clarification Regarding Order Appointing Receiver, Freezing Assets, and Other Relief, (“Motion for Clarification”) filed concurrently herewith.

Expedited consideration of the Motion for Clarification is appropriate and necessary because the Receiver has taken over operations of American Pension Services, Inc. (“APS”) and, in doing so, is receiving dozens of requests each day from APS customers who wish to have the Receiver approve transactions. While the Receiver is attempting to facilitate as many of these transactions as possible pursuant to the Order Appointing Receiver and Freezing Assets, (“Order”), she faces a challenge regarding how to balance the needs of over 5,700 clients who maintain self-directed IRAs, against the need to preserve assets, including the commingled funds deposited in the APS Master Trust Account.

By its Motion for Clarification, the Receiver has moved the Court for direction, guidance and approval to allow certain types of transactions discussed in more detail therein to be consummated. Approximately fifty transactions requested to be facilitated by the Receiver have been stalled until the Receiver receives clarification the Court regarding the Order.

Therefore, to ensure that the Receiver may continue to timely and appropriately service client accounts, the Receiver respectfully requests that the Court consider the Motion to Clarify on an expedited basis and schedule a hearing at the Court’s earliest convenience. Given the nature of the Motion to Clarify, which addresses the management of APS’s client accounts and the requests by APS’s clients, the Receiver does not believe there is a need for Defendants to respond and that a hearing may be set as soon as possible.

A proposed Order granting this motion for expedited consideration is attached as Exhibit

1.

DATED this 15th day of May 2014.

/s/ Mark R. Gaylord, Esq.

Mark R. Gaylord, Esq.

Melanie J. Vartabedian, Esq.

BALLARD SPAHR LLP

Attorneys for Court-Appointed Receiver, Diane A.  
Thompson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct of copy of the foregoing EX PARTE MOTION FOR EXPEDITED CONSIDERATION OF MOTION FOR CLARIFICATION REGARDING ORDER APPOINTING RECEIVER, FREEZING ASSETS, AND OTHER RELIEF was served to the following this 15<sup>th</sup> day of May 2014, in the manner set forth below:

☒ Through the CM/ECF System for the U.S. District Court

☐ Hand Delivery

☐ U.S. Mail, postage prepaid

☒ E-mail: [wadleyd@sec.gov](mailto:wadleyd@sec.gov); [meltont@sec.gov](mailto:meltont@sec.gov); [moric@sec.gov](mailto:moric@sec.gov); [feindtp@sec.gov](mailto:feindtp@sec.gov); [pmoxley@djplaw.com](mailto:pmoxley@djplaw.com)

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